

DIST/OFFICE	DOCKET YR. NUMBER	FILED DATE MO. DAY YEAR	J	N/S	O	R	H 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
4/1085	75 0394	8 25 75	3	440	1			150		8510		75 0394-C

PLAINTIFFS

Alan Baetjer RUSSO

DEFENDANTS

Lynn L. JONES, Robert A. Chance
J. L. Parsons, Jim Sherl, Sam
Keirseay and The City of Tulsa,
Tulsa, Oklahoma

CAUSE

Title 28, USCA Sec. 1343(3)
Title 42, USCA Sec. 1983
Denial of Equal Rights

ATTORNEYS

Don E. Gasaway
Woodson and Gasaway, P.C.
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Tulsa, Okla. 74104
918 932-4661 742-0548

Ron Mook
1850 S. Boulder
Tulsa, Ok. 74119

Tom R. Gann (all defs.) *except City of Tulsa*
Asst. City Atty.
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Tulsa, Okla. 74103 581-5201

Frank M. Hagedorn (all defts. but City
805 NBT Bldg. of Tulsa)
Tulsa 74103
585-9161

P. Thomas Thornbrugh (all defts, but City
1201 Mid-Continent Bg., of Tulsa)
Tulsa, Ok. 74103

583-5896

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	9-1-75
				JS-6	5-1-77

DATE	NR.	PROCEEDINGS
8-28-75	1.	COMPLAINT filed.jj Summons issued.jj
9-11-75		Return on summons, filed. Served City of Tulsa on 9-2-75; served Sam Kiersey, Jim Sherl and Robert A. Chance, all in Tulsa on 9-3-75; served Lynn L. Jones and J. L. Parsons in Tulsa on 9-5-75. (Fees: \$23.52)hm (JCS-Clk)for
9-17-75	2.	Appl. & Order granting Defts. until 10-2-75 to ans., filed/ (HDC-J)v
10-2-75	3.	Appl. for ext. of time within which to plead or answer Complaint, filed.lm
10-3-75	4	Order, filed, granting defts. thru 10-17-75 to answer. (HDC-J)g mld.
10-8-75	5.	Appearance of Frank M. Hagedorn for defts. Jones, Chance, Parsons, Sherl & Keirse, filed. hm of defts. Jones, Chance, Parsons, Sherl, & Keirse
10-10-75	6.	Motion to Dismiss for Failure to State a Claim Subject to Relief, / filed. mm
10-10-75	7.	Brief in Support of Motion to Dismiss Complaint for Failure to State a Claim Subject to Relief, filed.mm
10-10-75		MO: Ordered by the Ct. that pltf. file a responsive breif within 10 days to the Motion to Dismiss for Failure to State a Claime Subject to Relief of defendants Jones, Chance, Parsons, Sherl and Kerisey. (HDC-J) cps mld mm
10-14-75	8.	Appl. for leave to amend Pltf.'s Compl. pursuant to Rule 15A, fld. v (o)
10-17-75	9.	Order, filed, granting pltf. leave to amend complaint. (HDC-J)hm (copies mailed)
10-17-75	10.	First amended complaint, filed. hm
10-20-75	11.	Plaintiffs' Brief in Response to Defendant's Brief in Support of Motion to Dismiss Complaint for Failure to State a Claim Subject to Relief, filed. mm
10-21	12	Defts' Motion to Dismiss w/ Motion to Strike, filed. lm
10-21	13.	Defts. Brief in Support of Motion to Dismiss and Motion to Strike, filed. lm with leave of Court.
10-22	MO	It is ordered by the Court that plaintiffs are given ten days from this date to file a responsive brief to defts Motion to Dismiss w/Motion to Strike. (HDC-J)lm ltrs mld.
10-30		Deposition of Alan Baetjer Russo on behalf of defts., filed. (\$102.)g
10-30	14	Brief in reply to pltf's brief in response to defts' brief in support of mot. to dismiss for failure to state a claim subject to relief, filed. g
11-3	15.	Pltf's brief in response to defts' mo/dismiss and mo/strike, filed. hm
11-4	16	Supplemental authorities to pltf's brief filed 10-20-75 in response to defts' mot. to dismiss, filed with leave of Court. g
<u>1976</u> <u>2-4</u>	17	Order filed & entered sustaining motions to dismiss by defts. J. L. Parsons, Lynn L. Jones, Robert A. Chance and City of Tulsa; denying motions to dismiss by defts. Jim Sherl and Sam Keirse; denying motion to dismiss for reason alleged damages are not recoverable; and overruling defts' motion to strike. (HDC-J)g cpies mld.
2-9	18	Appl. for Leave to Amend Pltf's 1st Amended Complaint Purs. to Rule 15A, filed.jj
2-9	MO	Ordered by the Court that defts. is granted 10 days to respond to pltf's Appl. for Leave to Amend Pltf's 1st Amended Complaint Purs. to Rule 15A (HDC-J)jj ltr mailed

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-394-C</u>
ALAN BAETJER RUSSO		LYNN L. JONES, ET AL	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1976 2-18	19	Brief in opposition to pltf's appl. for leave to amend pltf's first amended complaint, filed. g	
2-19	20	Answer of defs. Sherl and Keirsey to First Amended Complaint, with <u>leave of Court to file out of time</u> , filed. (HDC-J)rm	
4-19	21.	Order, filed, approving Pltf's appl. to file second amended complaint. (HDC-J)ph cps mld	
4-19	22.	Pltf's second amended complaint, filed. ph cps by Pltf. counsel.	
4-28	23.	Ans. of Defts. Lynn L. Jones, Robert A Chance, & J. L. Parsons, to 1st Amended Compl., filed. v	
4-28	24.	Requested Findings of Fact & Conclusions of Law of Defts. Jones, Chance, Parsons, Sherl & Keirsey, fld. v	
4-28	25.	Mot. of Defts. Jones, Chance, Parsons, Sherl & Keirsey, for Summary Judgment, fld.v	
4-28	26.	Brief in support, filed. v (exhibits to brief are loose)	
4-28	MO:	Pltf. granted 10 das. from this date to respond to Mot. for S/J. (HDC-J)v	
5-10	27.	Mot. of Pltf. for ext. of time to file brief in response to defts.' mot. for S/J, fld. v	
5-10	MO:	Ordered by the Court that Pltf. is granted until 5-20-76 to file his response to Defts.' mot. for S/J. (HDC-J)v	
5-20	28.	Pltf. brief in opposition to defs. mo/SJ, filed. rm(w/affidavit of pltf. attached)	
9-7	29.	Order, filed, that the motion to dismiss filed by individual defts. is overruled. (HDC-J)ph cps mld	
9-14	30.	Ans. of defts. Jones, Chance, Parsons, Sherl and Keirsey to second amended complaint, filed. ph	
9-21	31.	Motion to dismiss and motion to strike of deft. City of Tulsa, filed.	
9-21	32.	Memo. brief in support of defts' mo/dismiss & mo/strike, filed.hm	
9-22	MO:	Ordered that inaccordance with the Order of the Court dated 2-4-76, the mo/dismiss filed by the City of Tulsa on 9-21-76 is hereby sustained & the City of Tulsa is therefore dismissed. (HDC-J)hm (letter written)	
10-6	MO:	Case set for PT hearing 1-20-77 at 10:00 a.m. (HDC-J)hm	
1-5-77	33.	Applic. of Hagedorn & Thornbrugh to withdraw as attys. of record for defts., filed. hm	
1-6	34.	Order, filed, granting Frank M. Hagedorn and P. Thomas Thornbrugh to withdraw as attys. for defts. Jones, Chance, Parsons, Sherl and Keirsey. (HDC-J)ph cps mld	
1-13	35.	Re-entry of appearance and appl. for cont. of pretrial setting, fld. by City Atty. v (o)	
1-14	MO:	It is ordered by the Court that the appl. for continuance of PT of defendant is denied. (HDC-J)ph ltr mld	

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-394-C</u>
ALAN BAETJER RUSSO		LYNN L. JONES, ET AL.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1-18-77	36.	Obj. of pltf. to counsels entry of appearance, filed. rm
1-18	37.	Brief in support of obj. to entry of appearance, filed. rm
1-20	38.	Deft's proposed PT order, filed. hm
1-20	MO:	Case called for PT hearing. Parties represented. Pltf's proposed PT order submitted to Court. Pltf's obj. to counsel's entry of appearance overruled. Deft. counsel allowed to take one final depos. Pltf's discovery complete. If tape of transaction in issue to be used as evid. in trial, a hearing will be held prior to trial on its admissibility. Deft. to advise pltf. by 1-28 if he plans to use said tape. Deft. to file brief by 2-11-77; pltf. to respond by 2-25. Pltf. to prepare & file final PT order within 10 days & case set for non-jury trial 4-18-77 at 9:30 a.m. PT briefs to be filed on or before 4-1-77. (HDC-J)hm
1-28	39.	Pre-trial order, filed. (HDC-J)hm
3-24	40.	Pltf's trial brief, filed. ph
4-7	41.	Defts' trial brief, filed. ph
4-12	42	Defts' notice to take deposition of Dr. Ned T. Harney at 2:00 p.m. on 4-14-77 in Tulsa. fld. ho
4-12		Ret. on sub., filed, served Dr. Ned T. Harney 4-12-77. b
4-13	--	Ret on Subpoena, filed, Served Dr. Ned T. Harney on 4-13-77 at Tulsa, OK. ph
4-18	MO:	Case called for N/J trial. Parties represented & announce ready. Case continued until 4-19-77 at 9:30 a.m. (HDC-J)hm
4-19	MO:	Case tried to the Court. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses, introd. of exhibits, & rests. Deft's mo/directed judgment sustained as to defts. Chance & Parsons; overruled as to defts. Jones, Sherl & Keirse. Deft. presents case in chief w/test. of witnesses, introduction of exhibits & rests. Pltf. presents rebuttal evid. w/test. of witness & rests. Parties rest. Closing arguments made. Court makes findings & rules in favor of defts. Counsel for defts. to prepare formal judgment. (HDC-J)hm
4-19		Trial exhibits, filed. (with file)hm
4-22	43.	Judgment, filed, and entered, that pltf. take nothing and action be dismissed on the merits as to all named defts. (JCS-CC)(HDC-J)ph cps mld
3-3	--	DEPO & exhbs were returned to deft -- pltf said to throw their exhbs away.a